



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2406923

Applicant Name: David Chenoweth

Address of Proposal: 1820 12th Avenue West

SUMMARY OF PROPOSED ACTION

Mater Use Permit to construct a 3-story, two unit townhouse structure and two single family residences with attached garage in an environmentally critical area. Project includes demolition of an existing single family residence and grading for 1,300 cubic yards of material.

The following approval is required:

SEPA – Environmental Determination - (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
 another agency with jurisdiction.

**Early Notice DNS published November 4, 2004.

RELATED PROJECT:

Project # 2402446, ECA exemption waived steep slope development standards but ECA review is required due to Known Landslide Hazard area

BACKGROUND DATA

Site and Vicinity Description

The 14,176-sq. ft. proposal site is located on the east side of 12th Avenue West, approximately 119 feet from the intersection of 12th Avenue West and West Howe Street to the north and 161 feet from the intersection of 12th Avenue West and West Blaine Street to the south. The site is rectangular in shape and is described as Lots 14, 15, 16, and 17, Block 1, Helsing addition to City of Seattle. The site is currently developed with a single family residence that would be demolished prior to the proposed construction on the site. A 12-foot wide paved alley abuts the subject site to the east but due to the existing steep slope along the alley, access to the site from the alley is not feasible. However, access to the site is available via an existing driveway from 12th Avenue West.

The site generally slopes moderately from the southeast towards the northwest. Along 12th Avenue West where the site fronts the street, is elevated approximately 10 to 11 feet above the street level below. The site is located in a Lowrise 1 (L-1) zone and to the west. The surrounding zoning to the north is Lowrise 2 (L-2), to the south is Single Family 5000 (SF-5000) and to the east is NC2-40 zone. Development in the immediate vicinity is predominantly a mixture of single family and multifamily residences, which vary in size, height, age and architectural style, with commercial uses along 10th Avenue West.

Proposal Description

The applicant proposes to construct two single family residences and a 2-unit townhouse structure on a 14,176 square feet site, to consist of a total of four dwelling units on an environmentally critical area. An environmental critical area review is required because of the prevalent landslide hazard areas existing on the site. Direct access to the proposed site will be through an existing driveway located west of the site off 12th Avenue West and parking would be provided within the proposed structures. Project includes the demolition of the existing single family residence. Excavation for the installation of foundation will result in the removal of 1,357 cubic yards of material.

Public Comments

No comment letters were received during the comment period, which started in November 4, 2004 and ended on November 17, 2004.

ANALYSIS - SEPA

The proposal site is located in a steep slope critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential environmental impacts on this project was made in the threshold determination and environmental checklist prepared by David Chenoweth, October 12, 2004. The information in the checklist, field inspection, and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion); Building Codes (construction standards); and ECA Ordinance. Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Short-term Impacts

The following short-term demolition or excavation-related impact on the critical area is anticipated: potential erosion during excavation and general site work. Due to the limited scope and short duration, this impact is not considered significant.

Earth

Due to the anticipated impacts on the critical areas such as soil erosion and soil instability, the ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted an application for an ECA exemption under project #2402446 in April 8, 2004. It was determined that ECA review is required on the basis of existing landslide hazard areas on the site. However, additional information showing conformance with the Stormwater, Grading, and Drainage Control Code will be required prior to issuance of the building permits

Long-term Impacts

Potential long-term impacts on the critical area are that may occur as results of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impact is minor in scope.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decision pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.303(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.303(2)(C).

CONDITIONS - SEPA

None Required.

Signature: (signature on file) Date: January 31, 2005
Christopher A. Ndifon, Land Use Planner